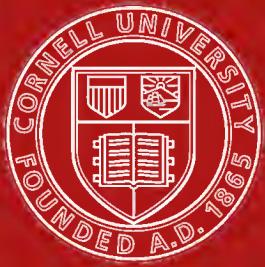


GREAT BRITAIN, SPAIN AND FRANCE
VERSUS
PORTUGAL

Awards rendered by the Hague Tribunal
September, 1920, in the matter of the
Expropriated Religious Properties
in Portugal

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Division of International Law
No. 37

The Hague Court Reports

**GREAT BRITAIN, SPAIN AND FRANCE
VERSUS
PORTUGAL**

**IN THE MATTER OF THE EXPROPRIATED
RELIGIOUS PROPERTIES IN PORTUGAL**

Awards rendered September 2 and 4, 1920, under the Compromis
signed at Lisbon on July 31, 1913, between Great
Britain, Spain and France on the one
hand, and Portugal on the other

English translation by the Carnegie Endowment for International Peace

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INTRODUCTORY NOTE

Aside from the general interest which always attaches to a dispute between nations and its peaceful settlement according to rules of law and equity, in the awards in the matter of expropriated religious properties in Portugal, to which Great Britain, Spain and France on the one hand, and Portugal on the other, were parties, there is a very special interest, as showing that the nations, after the war, have resumed the orderly process of settling their disputes, which was so rudely interrupted by war.

The controversies between these nations were, by an agreement of July 31, 1913, submitted to arbitration under the summary procedure which was devised by the Second Hague Peace Conference of 1907 and which was contained in its revision of the Pacific Settlement Convention drafted by the First Hague Peace Conference in 1899 and accepted by the nations at large.

It would have been a simple matter for Great Britain and France to settle their claims with Portugal through diplomatic channels, inasmuch as they were allied in the World War against a common enemy. They preferred, however—and wisely,—judicial settlement to diplomatic adjustment, and before the ratifications of the Treaty of Versailles had been deposited at Paris on January 10, 1920, they took steps to have the cases presented to the Tribunal of Arbitration at The Hague in the course of 1920. By this foresight on their part, evidence was given to the world that the Permanent Court of Arbitration had survived the war, and that the disputes of nations, of a legal nature, could in the future, as in the past, be submitted to a tribunal of arbitration at The Hague, if the nations desired to do so.

During the sessions of the Second Hague Peace Conference, the cornerstone of the Peace Palace, due to the munificence of Andrew Carnegie, was laid. In August, 1913, it was formally opened as the seat of the Permanent Court of Arbitration. The controversies between Great Britain, Spain and France, against Portugal, in the matter of the expropriated religious properties were decided in the Peace Palace, and the decision of these disputes was the first occasion on which the Peace Palace was used for the purpose for which it was constructed.

We thus have a demonstration that justice is surviving the World War. It has survived previous wars. It will survive future wars.

It is well that this should be so.

JAMES BROWN SCOTT.

March 21, 1931.

EXPROPRIATED RELIGIOUS PROPERTIES IN PORTUGAL

AWARDS BY THE ARBITRAL TRIBUNAL AT THE HAGUE¹

FRENCH CLAIMS

Award rendered September 2, 1920

Whereas, by a *compromis* concluded at Lisbon on July 31, 1913,² the Government of His Britannic Majesty, the Government of His Majesty the King of Spain and the Government of the French Republic, on the one hand, and the Government of the Portuguese Republic, on the other hand, respectively signatories of The Hague Convention of October 18, 1907, for the Pacific Settlement of International Disputes, have agreed to submit to a Tribunal of Arbitration, constituted in accordance with the summary procedure provided for in Chapter IV of the said convention, the claims relative to the property of British, Spanish and French nationals seized (*arrolados*) by the Government of the Portuguese Republic as a result of the proclamation of the Republic;

Whereas, according to the terms of the said *compromis* , the Arbitral Tribunal has been composed of:

The Honorable Elihu Root, former Secretary of State, former Secretary of War, Senator from the State of New York, member of the Permanent Court of Arbitration;

His Excellency Jonkheer A. F. de Savornin Lohman, Doctor of Law, Minister of State, former Minister of the Interior, member of the Second Chamber of the States-General, member of the Permanent Court of Arbitration;

His Excellency Monsieur Charles Edouard Lardy, Doctor of Law, Envoy Extraordinary and Minister Plenipotentiary of Switzerland at Paris, member of the Permanent Court of Arbitration;

Whereas, the Government of the French Republic has designated as agent and counsel:

M. Henri Fromageot, Doctor of Law, Jurisconsult of the Ministry of Foreign Affairs, Agent;

M. Amé-Leroy, Secretary of the Agent of the French Government.

The Government of the Portuguese Republic:

Judge Vincente Luis Gomes, Doctor of Law, Agent;

Judge Affonso de Mello Pinto Velloso, and

¹ Translated from the official French text published by the *Bureau International de la Cour Permanente d'Arbitrage* (The Hague, 1920) and entitled *Compromis, protocoles des séances et sentences du tribunal d'arbitrage constitué en vertu du compromis signé à Lisbonne le 31 juillet 1913 entre la Grande-Bretagne, l'Espagne et la France et le Portugal.*

² Post, p. 28.

M. Jean Prosper-Lévy, honorary counsellor at the Legation of Portugal in France, Deputy Agents;

Whereas, by letters exchanged between the ministers of Great Britain, Spain and France at Lisbon, and the Government of the Portuguese Republic, on November 21, 1913, January 26, 1914, October 19, 1914, September 30–October 7, 1919, January 17–26, 1920, the periods respectively provided by the said *compromis* for the deposit of the cases, counter-cases, and replies have been successively prolonged;

Whereas, in accordance with the understanding reached at Lisbon, on August 13, 1920, and duly notified to the Secretariat of the Tribunal, the British, French and Portuguese Governments have agreed that “the Tribunal shall have complete freedom in settling, according to equity and by a single judgment or several judgments, the claims which form the subject of the arbitration;”

Whereas, on July 31, 1914, the Agent of the Government of the French Republic has regularly deposited in the Secretariat of the Tribunal the cases and documents relative to the claims, as far as French nationals are concerned, of: François-Xavier Schürrer, Louis-Felix Girollet, Augustin-Marie La Brousse, François-Joseph Salvan, Désiré-Théophile Caullet, Emile-Jules-César Sénicourt, Hélène-Marceline-Marie de Geslin de Bourgogne, Anne-Madeleine-Augustine Dufour, Rosalie-Joséphine Billaut, Marie-Louise-Anna Théroïne, Ernestine Savary, Louise-Marie Rober et Besson, Claudine Perret et Poyet, Marie Vaslet et Banatre, Delphine-Laure Jallon et Guillon and Marie-Louise Dault et Cocheril, Marie Durand, Marie Barat, Sophie Trabaud, Marie-Louise Dévenas (and jointly with them D. Salvador Espinosa de los Monteros, Spanish subject, and Alice Wilman, British subject), Denise Alis and Marie Solomiac, Marie Ménard and Marie-Joséphine Dupé;

Whereas, on September 25, 1919, the Agent of the Government of the Portuguese Republic has regularly deposited in the Secretariat of the Tribunal the counter-cases and documents relative to the said claims;

Whereas, since the examination was closed, the Tribunal, constituted as stated above, met at The Hague in the Palace of the Permanent Court of Arbitration, on September 2, 1920;

In form:

Whereas, since the claims submitted to the Tribunal have for their origin the same facts, it is in order to decide with regard to them by one and the same judgment.

In fact:

In view of the circumstances under which the claimants possessed the property claimed in Portugal, as well as the burdens resulting therefrom, and especially the fact that they had introduced capital into that country;

Whereas, it was not the intention of the Government of the Portuguese Republic to seek in the seizure of the said property a source of pecuniary gain, any more than it had been the intention of the claimants to violate the respect due to the laws and institutions of Portugal;

Whereas, under these circumstances, the following settlement of the claims, the subject of the present arbitration, appears as just and equitable and of

a nature to satisfy the respective legitimate expectations of the parties; all claims, whatsoever may be their object, either of the claimants or of the Portuguese Government, relative to the claimed property, being declared definitely settled and in future extinguished;

Whereas, with regard to Marie Ménard, the French nationality of the said person is not established and consequently the claim presented in her name by the French Government is not admissible;

For these reasons, the Arbitral Tribunal declares and pronounces as follows:

1. The Government of the Portuguese Republic will retain as proprietor the property seized by it as a result of the decree of October 8, 1910, to wit: the establishment of the College Sainte-Marie at Porto; the College of the Holy Ghost at Braga; the Agricultural and Colonial School of Cintra, with their appurtenances, furnishings and fittings, respectively claimed by Messrs. François-Xavier Schürrer, Louis-Félix Girollet, Augustin-Marie La Brousse and Joseph-François Salvan; two parcels of land situate on the road Das Amoreiras and on the road Das Amoreiras and Da Circumvallaçao at the place Do Leao at Lisbon; the school and hospital Rego at Lisbon; the convent of San Domingo at Bemfica; the College of Marvila near Lisbon; various parcels of land and houses situate on the mountain of Santa Quiteria, division of Felgueiras, district of Porto, with their appurtenances, furnishings and fittings, respectively claimed by Messrs. Désiré-Théophile Caullet and Emile-Jules César Sémincourt; two parcels of real estate situate, one at Lisbon, Rua do Patrocínio Nos. 1, 3, 5, and the other at Braga, Rua dos Congregados, with their appurtenances, furnishings and fittings, claimed by Hélène-Marceline-Marie de Geslin de Bourgogne; a parcel of real estate situate at Lisbon, Escadinhas de San Chrissim, Nos. 5, 7 and 9; a parcel of real estate situate at Lisbon, Costa do Dastello, Nos. 1 to 15, and a parcel of real estate constituting the College of Notre Dame of Monserrate, at Vianna do Castello, with their appurtenances, furnishings and fittings, respectively claimed by Anne-Madeleine-Augustine Dufour, Rosalie-Joséphine Billaut and Anne Théroïne; half of the parcels of real estate situate at Funchal, Rua das Hortas and "Beco" das Hortas; a parcel of real estate situate at Campolide de Cima, parish of Saint-Sébastien de Pedreira of Lisbon; two parcels of real estate situate at Covilha, called "Casa Nova" and "Lage da Mó," with their appurtenances, furnishings and fittings, respectively claimed by Ernestine Savary, Louise-Marie Rober et Besson, Claudine Perret et Poyet, Marie Vaslet et Banatre, Delphine-Laure Jallon et Guillon, Marie-Louise Dault et Cocheril, Marie Durand, Marie Barat, Sophie Trabaud, Marie-Louise Dévenas, Salvadoria Espinosa de los Monteros and Alice Wilman; a parcel of real estate situate at Campo Maior, Rua da Carreira, known under the name of the Palace; a parcel of real estate situate in the same town, Rua da Mouraria de Baixo, No. 1; and a parcel of real estate situate at Lisbon, Rue des Picoas, No. 13, comprising a house, a chapel, and a park, with its appurtenances, furnishings and fittings, respectively claimed by Denise Alis and Marie Solomiac, but with reservation of what is stated below with regard to the chapel, its fittings, furnishings and objects devoted to worship;

2. The Government of the Portuguese Republic will deposit with the Lega-

tion of France at Lisbon, within a period of thirty days from the date of the present arbitral decision, the net lump sum of 328 contos, 867 escudos and 50 centavos, in full settlement and free of any charges whatsoever, to be paid to the aforementioned claimants; at the expiration of the said period, the said sum will bear interest at the rate of 6 per cent. per annum, the legal rate of interest in Portugal.

3. The Portuguese Government will take upon itself the payment of the debts existing in Portugal on October 8, 1910, against Messrs. Schürrer, Girollet, La Brousse and Salvan, claimants mentioned above, as well as the payment of the debts encumbering the parcels of real estate claimed by Hélène-Marceline-Marie de Geslin de Bourgogne, a claimant likewise mentioned above.

4. The chapel of Picoas, composed according to the plan hereto annexed of a ground-floor and a second floor, together with the furnishings and the sacred vessels, in general all the objects and ornaments for the practice of worship, will be left to Denise Alis and Marie Solomiac, to be placed at the disposal of the Nuncio at Lisbon.

5. The parcel of real estate situate Rue de San Diniz, 605 Freguezia de Paralhos at Porto, claimed by Marie-Joséphine Dupé, used as an institution of education for young girls, shall continue to be put to this use. In case the said use shall terminate, the parcel of real estate shall return to the Portuguese Government, which shall be bound to pay to the Legation of France at Lisbon, within thirty days after the termination, an indemnity of 8 contos for the benefit of the said Marie-Joséphine Dupé.

6. The claim of Marie Ménard is rejected as being inadmissible.

7. All other motions of the parties are rejected and all further claims, whatsoever may be their object, either of the aforementioned claimants or of the Portuguese Government, relative to the claimed property, the subject of the present arbitration, are declared definitively settled and in future extinguished.

Done at The Hague, in the Palace of the Permanent Court of Arbitration, on September 2, 1920.

The President: ELIHU ROOT,

The Secretary-General: MICHELS VAN VERDUYNNEN,

The Secretary: CROMMELIN.

BRITISH CLAIMS

Award rendered September 2, 1920

Whereas, by a *compromis* concluded at Lisbon, on July 31, 1913, the Government of His Britannic Majesty, the Government of His Majesty the King of Spain, and the Government of the French Republic, on the one hand, and the Government of the Portuguese Republic, on the other hand, respectively signatories of The Hague Convention of October 18, 1907, for the Pacific Settlement of International Disputes, have agreed to submit to a Tribunal of Arbitration, constituted in accordance with the summary procedure provided for

in Chapter IV of the said convention, the claims relative to the property of British, Spanish and French nationals seized (*arrollados*) by the Government of the Portuguese Republic as a result of the proclamation of the Republic;

Whereas, according to the terms of the said *compromis*, the Arbitral Tribunal has been composed of:

The Honorable Elihu Root, former Secretary of State, former Secretary of War, Senator from the State of New York, member of the Permanent Court of Arbitration;

His Excellency Jonkheer A. F. de Savornin Lohman, Doctor of Law, Minister of State, former Minister of the Interior, member of the Second Chamber of the States-General, member of the Permanent Court of Arbitration;

His Excellency Monsieur Charles Edouard Lardy, Doctor of Law, Envoy Extraordinary and Minister Plenipotentiary of Switzerland at Paris, member of the Permanent Court of Arbitration;

Whereas, the Government of His Britannic Majesty has designated as Agent and Counsel: Mr. H. W. Malkin, Assistant Legal Adviser in the Ministry of Foreign Affairs;

The Government of the Portuguese Republic:

Judge Vicente Luis Gomes, Doctor of Law, Agent; Judge Affonso de Mello Pinto Velloso, and M. Jean Prosper-Lévy, honorary counsellor at the Legation of Portugal in France, Deputy Agents;

Whereas, by letters exchanged between the ministers of Great Britain, Spain and France at Lisbon, and the Government of the Portuguese Republic, on November 21, 1913, January 26, 1914, October 19, 1914, September 30–October 7, 1919, January 17–26, 1920, the periods respectively provided by the said *compromis* for the deposit of the cases, counter-cases, and replies have been successively prolonged;

Whereas, in accordance with the understanding reached at Lisbon on August 13, 1920, and duly notified to the Secretariat of the Tribunal, the British, French and Portuguese Governments have agreed that "the Tribunal shall have complete freedom in settling, according to equity and by a single judgment or several judgments, the claims which form the subject of the arbitration";

Whereas, on February 21, 1914, the Agent of the Government of His Britannic Majesty has regularly deposited in the Secretariat of the Tribunal the cases and documents relative to the claims, as far as British nationals are concerned, of: Joseph Bramley, Jeanne Butler and Françoise Moylan, Jeanne Butler and Cécile Kenny, Marie Hughes, Marie Maynard, Marie Anne MacMullen and Rose Anne MacMullen, Elizabeth Tipping;

Whereas, on September 25, 1919, the Agent of the Government of the Portuguese Republic has regularly deposited in the Secretariat of the Tribunal the counter-cases and documents relative to the said claims;

Whereas, since the examination was closed, the Tribunal, constituted as stated above, met at The Hague in the Palace of the Permanent Court of Arbitration, on September 2, 1920;

In form:

Whereas, since the claims submitted to the Tribunal have for their origin

the same facts, it is in order to decide with regard to them by one and the same judgment.

In fact:

In view of the circumstances under which the claimants possessed the property claimed in Portugal, as well as the burdens resulting therefrom, and especially the fact that they had introduced capital into that country;

Whereas, it was not the intention of the Government of the Portuguese Republic to seek in the seizure of the said property a source of pecuniary gain, any more than it had been the intention of the claimants to violate the respect due to the laws and institutions of Portugal;

Whereas, under these circumstances, the following settlement of the claims, the subject of the present arbitration, appears as just and equitable and of a nature to satisfy the respective legitimate expectations of the parties; all claims, whatsoever may be their object, either of the claimants or of the Portuguese Government, relative to the claimed property, being declared definitely settled and in future extinguished;

Whereas, the British Government declares that it abandons absolutely and without reservation the claims presented by it in the name of Joseph Bramley; whereas under these conditions these claims should be discarded;

For these reasons, the Arbitral Tribunal declares and pronounces as follows:

1. The Government of the Portuguese Republic will retain as proprietor the property seized by it as a result of the decree of October 8, 1910, to wit:

The urban property situate at Campo de Dom Luiz Primeiro, No. 32, parish of São João at Braga, with its appurtenances, furnishings and fittings, claimed by Jeanne Butler and Françoise Moylan; the rural and urban property situate at Rue do Tenente Valadim and Serpa Pinto at Vizeu, with its appurtenances, furnishings and fittings, claimed by Jeanne Butler and Cécile Kenny; the property situate at Place du Coronel Pacheco at Porto, with its appurtenances, furnishings and fittings, claimed by Marie Hughes, Marie Maynard, Rose Anne MacMullen and Marie MacMullen; a lot of land near the College of Jesus, Mary and Joseph, situate 6a Rue de Quelhas at Lisbon, claimed by Elizabeth Tipping.

2. The Government of the Portuguese Republic will deposit with the British Legation at Lisbon, in full settlement, the net lump sum of 91 contos, 747 escudos, payable in money within thirty days from the date of the present arbitral decision, or within a period of three months in receipts for all the mortgage debts which may encumber the said parcels of real estate up to the amount of the said debts, and the balance in money. In the first case the payment of all the said debts will be to the account of the respective claimants. At the expiration of the said periods, the said sum will bear interest at the rate of 6 per cent. per annum, the legal rate of interest in Portugal.

3. A record is made of the declaration of the British Government that it abandons absolutely and without reservation the claims presented by it in the name of Joseph Bramley; the said claims are in this matter discarded.

All other motions of the parties are rejected, and all further claims, whatsoever may be their object, either of the aforementioned claimants or of the Portuguese Government, relative to the claimed property, the subject of

the present arbitration, are declared definitively settled and in future extinguished.

Done at The Hague in the Palace of the Permanent Court of Arbitration on September 2, 1920.

The President: ELIHU ROOT,

The Secretary-General: MICHELS VAN VERDUYNEN,

The Secretary: CROMMELIN.

SPANISH CLAIMS.

Awards rendered September 4, 1920.

Whereas, by a *compromis* concluded at Lisbon, on July 31, 1913, the Government of His Britannic Majesty, the Government of His Majesty the King of Spain, and the Government of the French Republic, on the one hand, and the Government of the Portuguese Republic, on the other hand, respectively signatories of The Hague Convention of October 18, 1907, for the Pacific Settlement of International Disputes, have agreed to submit to a Tribunal of Arbitration, constituted in accordance with the summary procedure provided for in Chapter IV of the said convention, the claims relative to the property of British, Spanish and French nationals seized (*arrollados*) by the Government of the Portuguese Republic as a result of the proclamation of the Republic;

Whereas, according to the terms of the said *compromis*, the Arbitral Tribunal has been composed of:

The Honorable Elihu Root, former Secretary of State, former Secretary of War, Senator from the State of New York, member of the Permanent Court of Arbitration;

His Excellency Jonkheer A. F. de Savornin Lohman, Doctor of Law, Minister of State, former Minister of the Interior, member of the Second Chamber of the States-General, member of the Permanent Court of Arbitration;

His Excellency Monsieur Charles Edouard Lardy, Doctor of Law, Envoy Extraordinary and Minister Plenipotentiary of Switzerland at Paris, member of the Permanent Court of Arbitration;

Whereas, the Government of His Majesty the King of Spain has designated as Agent:

M. Cristobal Botella, Advocate, Counsel of the Embassy of His Majesty the King of Spain, Agent;

The Government of the Portuguese Republic;

Judge Vicente Luis Gomes, Doctor of Law, Agent;

Judge Affonso de Mello Pinto Velloso, former Minister of Justice, and

M. Jean Prosper-Lévy, honorary counsellor at the Legation of Portugal in France, Deputy Agents;

Whereas, by letters exchanged between the ministers of Great Britain, Spain and France at Lisbon, and the Government of the Portuguese Republic, on November 21, 1913, January 26, 1914, October 19, 1914, September 30–October 7, 1919, January 17–26, 1920, the periods respectively provided by the said *compromis* for the deposit of the cases, counter-cases, and replies have been successively prolonged;

Whereas, on February 21, 1914, the Agent of the Government of His Majesty the King of Spain has regularly deposited in the Secretariat of the Tribunal the cases and documents relative to the claims, as far as Spanish nationals are concerned, of: Baldomero Aldaz y Lopez, José Antonio Alvarez y Tabua, Madame Concepcion Barrenechea y Manterola, Baldomero Ciriza and others, Baldomero Ciriza and Andrès Gaspa Moga, Baldomero Ciriza Olangua and Andrès Gaspa Moga, Fructuosa Fernandez de Gamboa, Ignacio Rodriguez Insua and Andrès Santiago, Maximino Llaneza, Pedro Gomez Nunez, Francisco Perez, Eduardo Fernandez Pesquero, Madame Tomasa Rocatallada y Escartin, Antonio Rodriguez Sobrino, Madame Magdalena Rodriguez y Laplana, Robustiano Rodriguez y Sobrino, Leocadio Ruiz and Crescencio Marquez and Luis Uzarraga;

Whereas, on September 25, 1919, the Agent of the Government of the Portuguese Republic has regularly deposited in the Secretariat of the Tribunal the counter-cases and documents relative to the said claims;

Whereas, on August 6, 1920, the Agent of the Government of His Majesty the King of Spain has regularly deposited in the Secretariat of the Tribunal a reply relative to the said claims;

Whereas, since the examination was closed, the Tribunal, constituted as stated above, met at The Hague in the Palace of the Permanent Court of Arbitration on September 4, 1920;

Whereas, according to the tenor of Article IV of the *compromis*, the Tribunal must examine successively each of the claims, and whereas, each of them must be the subject of a separate award;

THE TRIBUNAL,

In view of the claim presented by the Spanish Government in favor of Baldomero Aldaz y Lopez and the papers in support thereof;

In view of the counter-case presented by the Portuguese Government on the subject of the said claim and the papers in support;

Whereas, with regard to the facts which have given rise to the difference submitted to the arbitration of the Tribunal:

The Spanish Government claims in favor of Baldomero Aldaz y Lopez a house called "O Collegio," with a chapel open to the public and with other appurtenances described in its case, as well as another house called "Da Amalia," all situate on Rue de S. Brás, town of Aldeia da Ponte, commune of Sabugal, district of Guarda, and purchased by the claimant for the sum of 3,500 escudos (or about frs. 17,500), on January 8, 1898, from Father Angelo Hercules Mani Efigeni, an Italian subject, represented by Father Lourenco Gonçaos;

Upon the aforementioned real estate there was installed the religious association of the Collegio d'Aldeia da Ponte, of which the claimant was a member, and which had been authorized by decree of October 18, 1901;

The said association was dissolved by royal decree of September 12, 1910, and several days later the Portuguese Government placed itself in possession of the claimed parcels of real estate;

Whereas, the Portuguese Government in the first place makes the objection that the claimant alleges that he is a Spaniard, but does not furnish the proof

of his nationality, so that this claim does not come under the jurisdiction of the Tribunal;

Whereas, in fact, the claimant has not furnished any proof to confirm in the manner prescribed by the Spanish Civil Code and the Portuguese Civil Code, that he belongs to one of the aforementioned nationalities;

For these reasons, the Tribunal declares the claim of the Spanish Government in favor of M. Baldomero Aldaz y Lopez to be inadmissible.

Done at The Hague in the Palace of the Permanent Court of Arbitration on September 4, 1920.

The President: ELIHU ROOT,

The Secretary-General: MICHELS VAN VERDUYNEN,

The Secretary: CROMMELIN.

[As stated in the preceding award, a separate award, as required by the *compromis*, was rendered in each Spanish case. In each of the cases following, the date of the award, the recitals preceding the award, and the signatures are identical with the foregoing award, and are therefore omitted as unnecessary repetition.—EDITOR.]

THE TRIBUNAL,

In view of the claim presented by the Spanish Government in favor of Father José Antonio Alvarez y Tabua and the papers in support thereof;

In view of the counter-case presented by the Portuguese Government on the subject of the said claim and the papers in support;

Whereas, with regard to the facts which have given rise to the difference submitted to the arbitration of the Tribunal:

The claimant has acquired, in common with Charles Zimmermann, a German subject, on March 12, 1908, two pieces of property situate at Castello Branco (Portugal), more fully described in the case; whereas, on October 8, 1910, the claimant was by force deprived of his property, the restitution of which he claims, as well as the payment as compensation for damages in the sum of frs. 120,000, representing indemnification for the improvements upon these parcels of property, the cessation of the profits which they bore, as also the value of the furnishings and library situated upon them; whereas, this property was gratuitously loaned to the Association "Foi et Patrie," officially approved by decree of April 18, 1901, and proprietor of the college of S. Fiel where the claimant was a professor;

Whereas, the German Zimmermann does not present any claim and his Government does not do so either;

Whereas, the Portuguese Government, while inferring the inadmissibility of the claim in reality, makes the objection that the claimant does not furnish the proof of his nationality;

Whereas, the Spanish Government has had knowledge of this exception through the Portuguese counter-case and has not drawn up any statement;

Whereas, the claimant alleges that he is a Spaniard, but has not in fact established his nationality;

Whereas, the Tribunal is charged, by virtue of Article 1 of the *compromis*,

to render judgment upon claims relative to the property of nationals of Spain, France and Great Britain, but, whereas, the claimant does not prove in the manner prescribed by the Spanish Civil Code and the Portuguese Civil Code that he belongs to one of the aforementioned nationalities;

For these reasons, the Arbitral Tribunal declares the claim of the Spanish Government in favor of Father José Antonio Alvarez y Tabua to be inadmissible.

THE TRIBUNAL,

In view of the claim presented by the Spanish Government in favor of Dona Concepcion Barrenechea y Manterola and the papers in support thereof;

In view of the counter-case presented by the Portuguese Government on the subject of the said claim and the papers in support;

Whereas, with regard to the facts which have given rise to the difference submitted to the arbitration of the Tribunal:

The Spanish Government claims in favor of Dona Concepcion Barrenechea y Manterola:

1. The restitution of two parcels of property, both situate in the street São Salvador, parish of the same name, city of Torres Novas, more fully described in the case of the claimant, the right to these parcels resulting from the deed of donation made to her by the Doctor François Maria Rodrigues d'Oliveira Grainha, priest and physician, according to the authentic document of December 5, 1893, which donation is registered in the land-register under date of February 17, 1894, the said parcels appraised at 12,000 \$ 40 escudos, or about frs. 60,000;

2. The restitution of the personal property which furnished the said property at the moment of the dispossession, appraised at 2,000 escudos, or about frs. 10,000, or their value;

Whereas, the claimant has rented her property to an association called "Association of Saint Theresa of Jesus" of which she did not form and does not form a part; whereas, this association had there continued the institution of instruction known under the name of the College of Jesus, Mary and Joseph up to the time of the proclamation of the Portuguese Republic, when the Portuguese Government seized the said real estate and personal property; whereas, the claimant desires to be indemnified for the letting of her property since that period, at the rate of 600 escudos, or about frs. 3,000, per annum;

Whereas, the claimant alleges that she is a Spaniard, as having been born of Spanish parents at Metrico, province of Guipuzcoa (Spain);

Whereas, the Portuguese Government makes the objection that the claimant does not furnish proof of her nationality;

Whereas, the Spanish Government has had knowledge of this exception through the Portuguese counter-case and has not drawn up any statement;

Whereas, the Tribunal is charged, by virtue of Article 1 of the *compromis*, to render judgment upon claims relative to the property of nationals of Spain, France and Great Britain, but, whereas, the claimant does not prove, in the manner prescribed by the Spanish Civil Code and the Portuguese Civil Code, that she belongs to one of the aforementioned nationalities;

For these reasons, the Arbitral Tribunal declares the claim of the Spanish Government in favor of Dona Concepcion Barrenechea y Manterola to be inadmissible.

THE TRIBUNAL,

In view of the claim presented by the Spanish Government in favor of Dona Concepcion Barrenechea y Manterola and the papers in support thereof;

In view of the counter-case presented by the Portuguese Government on the subject of the said claim and the papers in support;

Whereas, with regard to the facts which have given rise to the difference submitted to the arbitration of the Tribunal:

The Spanish Government claims in favor of Dona Concepcion Barrenechea y Manterola :

1. The bare ownership of a parcel of land situate at the place called Merouço, parish of Sta. Cristina do Couto, judiciary precinct of Sto. Thyrso, more fully described in the case of the claimant, the right to this parcel resulting from a deed of gift made in favor of the claimant by José Vicente Correla d'Abreu, according to the authentic document of February 10, 1897, a donation made with the reservation of usufruct, but transferring from the date of purchase to the donee the entire ownership and possession of the said property "in order that she may take personal or legal possession thereof as and when she may see fit," the said property designated in Book B 64, folio 36, of the record office of the land register of the said precinct as No. 2269 and appraised at the sum of 15,000 escudos, or about frs. 75,000;

2. The ownership, without any limitation, of the personal property which furnished the said property, mentioned in the inventory annexed to the case and estimated at the sum of 3,000 escudos, or about frs. 15,000;

Whereas, she was dispossessed of her right to the aforementioned real estate and personal property by the Portuguese Government as a result of the revolution of October 3-5, 1910;

Whereas, she had installed upon the said property a boarding school for young girls and had purchased all the furnishings for the said establishment; whereas, she entrusted the administration of the college to the religious association of Saint Theresa of Jesus, of which she was not a member, an association which had already existed for nine years at the time of the seizure of the claimed property by the Portuguese Government, and which had been legally established, the Portuguese state having approved of its statutes by decree of October 18, 1901;

Whereas, the claimant is a Spaniard, born at Metrico, province of Guipuzcoa, according to a certificate of baptism of the priest of the parochial church of Saint Mary of the Assumption, of the city of Metrico, province of Guipuzcoa, bishopric of Vitoria;

Whereas, the Portuguese Government in the first place makes the objection that the claimant does not furnish any of the documents required in Articles 325e, 326e and 327e of the Spanish Civil Code, and 2411 of the Portuguese Civil Code, in order to prove her Spanish nationality;

Whereas, the Spanish Government has had knowledge of this exception through the Portuguese counter-case and has not made any statement;

Whereas, in fact, the claimant has not furnished any of the documents required by the aforementioned articles of the Civil Codes of Spain and Portugal, in order to establish her nationality;

Whereas, the Tribunal is charged, by virtue of Article 1 of the *compromis*, to render judgment upon claims relative to the property of nationals of Spain, France and Great Britain, but whereas, the claimant does not prove in the manner prescribed, either by the Spanish Civil Code or by the Portuguese Civil Code, that she belongs to one of the aforementioned nationalities;

For these reasons, the Arbitral Tribunal declares the claim of the Spanish Government in favor of Dona Concepcion Barrenechea y Manterola to be inadmissible.

THE TRIBUNAL,

In view of the claim presented by the Spanish Government in favor of Baldomero Ciriza and others and the papers in support thereof;

In view of the counter-case presented by the Portuguese Government on the subject of the said claim and the papers in support;

Whereas, with regard to the facts which have given rise to the difference submitted to the arbitration of the Tribunal:

The Government of His Catholic Majesty claims, in favor of Baldomero Ciriza, the restitution of a certain number of pieces of personal property, or their value, estimated at 6 contos, 22 milreis;

Whereas, the claimant, in support of his request, indicates that with several other Spaniards he occupied at Aldeia da Ponte, municipality of Sabugal, district of Guarda, the property known under the name of "college"; whereas they were owners of the personal property of which the Government of the Portuguese Monarchy had put itself into possession as a result of the royal decree of September 12, 1910, pronouncing the dissolution of the Association of the College of Aldeia da Ponte, an association officially approved in 1901 and to which, moreover, this property was obligingly loaned;

Whereas, the Portuguese Government claims that the claimant does not in any manner prove his Spanish nationality;

Whereas, the Spanish Government has had knowledge of this exception through the Portuguese counter-case and has not furnished any statement;

Whereas, in fact the claimant has not produced any proof of his nationality;

Whereas, the Tribunal is charged, by virtue of Article 1 of the *compromis*, to render judgment upon claims relative to the property of nationals of Spain, France and Great Britain, but whereas, the claimant does not prove in the manner prescribed by the Spanish Civil Code and the Portuguese Civil Code that he belongs to one of the aforementioned nationalities;

For these reasons, the Tribunal declares the claim of the Spanish Government in favor of Baldomero Ciriza and others to be inadmissible.

THE TRIBUNAL,

In view of the claim presented by the Spanish Government in favor of D. Baldomero Ciriza and D. Andrès Gaspa Moga and the papers in support thereof;

In view of the counter-case presented by the Portuguese Government on the subject of the said claim and the papers in support;

Whereas, with regard to the facts which have given rise to the difference submitted to the arbitration of the Tribunal:

The Spanish Government claims in favor of Don Baldomero Ciriza Olangua and Don Andrès Gaspa Moga:

1. The restitution of 393 parcels of land situate in the parishes of Calvelhe, Macedo, Mate and Izeda, in the district of Braganza, more fully described in their memoir and its annex, No. 1, of a value reduced to 31 contos, 634,000 reis, as well as of some constructions erected upon these lands and estimated at 6 contos or their value, to be fixed according to expert valuation;

2. The amount required for works necessary to repair the damages sustained by the said lands since October, 1910;

3. The value of the lease of half of the said property since October, 1910, and the letting of the other half since the day of the death of the preceding co-proprietor, in February, 1911, until the day of the execution of the award to be decreed, as well as the value of the agricultural products which were ready to be harvested at the time of the expulsion of the claimants, a value which could not be less than 2 contos of reis;

4. Interest at the rate of 5 per cent. on the said sums, calculated from a period of three months after the rendering of the award;

Whereas, these demands are based upon a document of March 2, 1907, executed before a notary, according to which Maria Rosa and Clara Joanna Martins donated to the claimants the aforementioned property, under the reservation of usufruct; whereas, after the death of one of the donors, a division was made between the surviving donor, Clara Joanna Martins, and the donees, in order to separate the property over which the usufruct of the said Clara Joanna continued, from the property over which the ownership, with entire possession, of the donees began, which division was undertaken by means of a document drawn up before a notary on March 6, 1910;

Whereas, the other donor died in 1911, and thus the usufruct to which she was entitled ceased, so that the donees have full ownership;

Whereas, all these transfers have been duly registered;

Whereas, a few days after the proclamation of the Republic, the Portuguese Government took possession of this property;

Whereas, the Portuguese Government makes the objection in the first place that the claimants do not furnish the proof of their nationality, and whereas, consequently, this claim does not come under the jurisdiction of the Tribunal;

Whereas, the claimant alleges that he is a Spaniard, but does not, however, produce the proof of his nationality, under the conditions prescribed by the Civil Codes of Spain and Portugal;

Whereas, the Tribunal is charged, by virtue of Article 1 of the *compromis*, to render judgment upon claims relative to the property of nationals of Spain, France and Great Britain, and not upon claims relative to the property of other nationals;

For these reasons, the Tribunal declares the claim of the Spanish Government in favor of MM. Ciriza and Gaspa Moga to be inadmissible.

THE TRIBUNAL,

In view of the claim presented by the Spanish Government in favor of Baldomero Ciriza Olangua and Andrès Gaspa Moga and the papers in support thereof;

In view of the counter-case presented by the Portuguese Government on the subject of the said claim and the papers in support;

Whereas, with regard to the facts which have given rise to the difference submitted to the arbitration of the Tribunal:

The Spanish Government claims in favor of Baldomero Ciriza Olangua and Andrès Gaspa Moga:

1. A parcel of property called "Convent of Fraga," situate in the parish of Ferreira d'Aves, canton of Sátao, estimated at 5,000 escudos;

2. The amount required for works necessary to repair the damages sustained by the said parcel of property since October 5, 1910, at the rate of 100 escudos per annum;

3. Its lease value from October 5, 1910, to the date of the award which is to be rendered, at the rate of 100 escudos per annum;

4. Interest at the rate of 5 per cent. upon the said sums, calculated from a period of three months after the rendering of the said award;

Whereas, the claimants allege, in support of their demand, that they are proprietors of this parcel of land, having purchased it in common on April 8, 1907, and having had the acquisition inscribed in the land-register and having paid the taxes;

Whereas, there was installed upon this parcel of land a college belonging to a religious association, the "Association of the College of Aldeia da Ponte," of which M. Olangua was a member;

Whereas, they state that they have in no manner made a gift or a transfer of all or part of this property to the said religious association, but whereas, even in case these gifts or transfers, either directly or through intermediate persons, should be approved (and these gifts or transfers would be contrary to Article 6 of the statutes of the association and would, consequently, bring about the loss of the property for the benefit of the State), this same article would permit them to request its return according to the terms of law;

Whereas, the Portuguese Government makes the objection in the first place that the claimants do not furnish proof of their nationality;

Whereas, the Spanish Government has had knowledge of this exception through the Portuguese counter-case and has not drawn up any statement;

Whereas, in fact, the claimants do not furnish the proof of their nationality under the conditions provided by the Civil Codes of Spain and Portugal;

Whereas, the Tribunal is charged, by virtue of Article 1 of the *compromis*, to render judgment upon claims relative to the property of nationals of Spain, France and Great Britain, and not upon claims relative to the property of nationals of other nations;

For these reasons, the Tribunal declares the claim of the Spanish Government in favor of MM. Baldomero Ciriza Olangua and Andrès Gaspa Moga to be inadmissible.

THE TRIBUNAL,

In view of the claim presented by the Spanish Government in favor of Father Fructuoso Fernandez de Gamboa and the papers in support thereof;

In view of the counter-case presented by the Portuguese Government on the subject of the said claim and the papers in support;

Whereas with regard to the facts which have given rise to the difference submitted to the arbitration of the Tribunal;

The Spanish Government claims for its national, Father Fructuoso Fernandez de Gamboa, the restitution of the objects mentioned in the inventory appended to its claim, objects which were located in the College of Barro near Torres Vedras, department of Lisbon, which the Portuguese Government seized together with everything contained therein;

Whereas, the Portuguese Government, while rejecting the request, makes objection in a preliminary way that this claim does not come under the jurisdiction of the Tribunal because the claimant does not prove his nationality;

Whereas, the Spanish Government has had knowledge of this exception through the Portuguese counter-case and has not drawn up any statement;

Whereas, the claimant alleges that he is a Spaniard but he has not in fact established his nationality;

Whereas, the Tribunal is charged, by virtue of Article 1 of the *compromis*, to render judgment upon claims relative to the property of nationals of Spain, France and Great Britain, but whereas, the claimant does not prove, in the manner prescribed by the Spanish Civil Code and the Portuguese Civil Code, that he belongs to one of the aforementioned nationalities;

For these reasons, the arbitral Tribunal declares the claim of the Spanish Government in favor of Father Fructuoso Fernandez de Gamboa to be inadmissible.

THE TRIBUNAL,

In view of the claim presented by the Spanish Government in favor of MM. Ignacio Rodriguez Insua and Andrès Santiago and the papers in support thereof;

In view of the counter-case presented by the Portuguese Government on the subject of the said claim and the papers in support;

Whereas, with regard to the facts which have given rise to the difference submitted to the arbitration of the Tribunal:

The Spanish Government claims in favor of Ignacio Rodriguez Insua and Andrès Santiago, Spanish citizens, co-proprietors of two parcels of property, one of them situate in the town of Monte, parish of Lourosa, commune of Feira, department of Aveiro, the other designated by the name of Bouça de S. Braz

in the town of Farilhe, parish of Canidello, commune of Villa do Conde, district of Porto: (1) the restitution of the said parcels of land, estimated at the sum of 2,000 escudos for the first, 3,000 escudos for the second of the said parcels, or their value; (2) the restitution of the personal objects which were upon these parcels of property, or their value, estimated at 1,500 escudos; which parcels of land and personal property were seized by the Portuguese Government after the revolution of October 3-5, 1910:

Whereas, the Spanish Government claims, moreover, the amount, estimated at the time of the restitution, necessary for repairing the depreciation and damages suffered by the parcels of land and personal property since their seizure, and amends for the losses suffered as a result of the aforementioned dispossesion, at the rate of 100 escudos per annum for the first parcel of land, and at the rate of 150 escudos per annum for the second parcel, or a total of 250 escudos per annum;

Whereas, the claimants base their right of ownership upon titles fully described in the case;

Whereas, the Portuguese Government makes the objection in the first place that the claimants do not present documents proving their nationality;

Whereas, the Spanish Government has had knowledge of this exception through the Portuguese counter-case and has not drawn up any statement;

Whereas, the claimants allege that they are Spaniards but have not in fact furnished proof of their nationality;

Whereas, the Tribunal is charged, by virtue of Article 1 of the *compromis*, to render judgment upon claims relative to the property of nationals of Spain, France and Great Britain, but whereas, the claimants do not prove in the manner prescribed by the Spanish Civil Code and the Portuguese Civil Code, that they belong to one of the aforementioned nationalities;

For these reasons, the Arbitral Tribunal declares the claim of the Spanish Government in favor of MM. Ignacio Rodriguez Insua and Andrès Santiago to be inadmissible.

THE TRIBUNAL,

In view of the claim presented by the Spanish Government in favor of M. Maximino Llaneza and the papers in support thereof;

In view of the counter-case presented by the Portuguese Government on the subject of the said claim and the papers in support;

Whereas, with regard to the facts which have given rise to the difference submitted to the arbitration of the Tribunal:

The claimant alleges that several revolutionaries did, during the first days of the revolution of October, 1910, in Portugal, seize his servant, who was bearing a bag containing documents or manuscripts indicated in the inventory annexed to the case, and that they gave the bag to the civil government (prefecture) which has guarded it;

Whereas, the Portuguese Government denies that the facts occurred in the manner indicated by the claimant; whereas, moreover, the Portuguese Government has undertaken to have the documents in question searched for and has found them; whereas, the Portuguese Government has informed the claimant

that the manuscripts have been found and that they would be returned to him at Lisbon;

Whereas, the Portuguese Government has produced before the Tribunal a copy of a declaration of the claimant stating that he has received all the manuscripts enumerated in the request presented by the Government of His Majesty the King of Spain before this Tribunal, and that he renounces his claim;

For these reasons, the Arbitral Tribunal rejects the claim as having become groundless.

THE TRIBUNAL,

In view of the claim presented by the Spanish Government in favor of M. Pedro Gomez Nuñez and the papers in support thereof;

In view of the counter-case presented by the Portuguese Government on the subject of the said claim and the papers in support;

Whereas, with regard to the facts which have given rise to the difference submitted to the arbitration of the Tribunal:

The Spanish Government claims for its national, Pedro Gomez Nuñez, the restitution of the objects mentioned in the inventory appended to its claim, objects which were located in the house wherein he dwelled, and also the restitution of everything which furnished the chapel, and finally the restitution of the cattle which was upon the farm near the house occupied by him at Izeda, commune and department of Bragança, where he dwelled with several companions at the time of the revolution of October 3-5, 1910;

Whereas, the Portuguese Government makes the objection in the first place that this claim does not come under the jurisdiction of the Tribunal, because the aforementioned claimant does not in any manner prove his nationality;

Whereas, the Spanish Government has had knowledge of this exception through the Portuguese counter-case and has not drawn up any statement;

Whereas, in fact the claimant does not produce any evidence of his nationality;

Whereas, the Tribunal is charged, by virtue of Article 1 of the *compromis*, to render judgment upon claims relative to the property of nationals of Spain, France and Great Britain, but whereas, the claimant does not prove, in the manner prescribed by the Spanish Civil Code and the Portuguese Civil Code that he belongs to one of the aforementioned nationalities;

For these reasons, the Arbitral Tribunal declares the claim of the Spanish Government in favor of M. Pedro Gomez Nuñez to be inadmissible.

THE TRIBUNAL,

In view of the claim presented by the Spanish Government in favor of Father Francisco Perez and the papers in support thereof;

In view of the counter-case presented by the Portuguese Government on the subject of the said claim and the papers in support;

Whereas, with regard to the facts which have given rise to the difference submitted to the arbitration of the Tribunal;

The Spanish Government claims for its national, Father Francisco Perez, the

value of 2,317 pesetas, since the Portuguese Government seized after the revolution in Portugal on October 3-5, 1910, the parcel of land known under the name of Convent of Fraga at Farreira do Aves, commune of Sattam, department of Viseu, where the claimant dwelled with several companions, and seized all the property which was located there and which is designated in the appended inventory, the inventory containing the indication of the value of the said property;

Whereas, the Portuguese Government makes the objection in the first place that the claimant does not furnish proof of his nationality;

Whereas, the Spanish Government has had knowledge of this exception through the Portuguese counter-case and has not drawn up any statement;

Whereas, in fact, the claimant, who alleges that he is a Spaniard, has not furnished any proof of his nationality;

Whereas, the Tribunal is charged, by virtue of Article 1 of the *compromis*, to render judgment upon claims relative to the property of nationals of Spain, France and Great Britain, but whereas, the claimant does not prove, in the manner prescribed by the Spanish Civil Code and the Portuguese Civil Code, that he belongs to one of the aforementioned nationalities;

For these reasons, the Arbitral Tribunal declares the claim of the Spanish Government in favor of Father Francisco Perez to be inadmissible.

THE TRIBUNAL.*

In view of the claim presented by the Spanish Government in favor of M. Eduardo Fernandez Pesquero and the papers in support thereof;

In view of the counter-case presented by the Portuguese Government on the subject of the said claim and the papers in support;

Whereas, with regard to the facts which have given rise to the difference submitted to the arbitration of the Tribunal:

The Government of His Catholic Majesty claims in favor of Eduardo Fernandez Pesquero the restitution of certain personal property belonging to him, or in default thereof, its value, estimated at 448 pesetas; whereas, the claimant alleges, in support of his request, that he dwelled in the College of Barro; whereas, at the time of the revolution he was driven out of the said college with great violence and taken away as a prisoner; whereas, the Portuguese Government has seized the said college with everything located therein;

Whereas, the Portuguese Government makes the objection in the first place that the claimant does not furnish the proof of his nationality;

Whereas, the Spanish Government has had knowledge of this exception through the Portuguese counter-case and has not drawn up any statement;

Whereas, in fact, the claimant, who alleges that he is a Spaniard, does not furnish any proof of his nationality;

Whereas, the Tribunal is charged, by virtue of Article 1 of the *compromis*, to render judgment upon claims relative to the property of nationals of Spain, France and Great Britain, but, whereas, the claimant does not prove, in the manner prescribed by the Spanish Civil Code and the Portuguese Civil Code, that he belongs to one of the aforementioned nationalities;

For these reasons, the Arbitral Tribunal declares the claim of the Spanish Government in favor of M. Eduardo Fernandez Pesquero to be inadmissible.

THE TRIBUNAL,

In view of the claim presented by the Spanish Government in favor of Dona Tomasa Rocatallada y Escartin and the papers in support thereof;

In view of the counter-case presented by the Portuguese Government on the subject of the said claim and the papers in support;

Whereas, with regard to the facts which have given rise to the difference submitted to the arbitration of the Tribunal:

The claimant had resided for several years at Lisbon at the time of the revolution of October 3-5, 1910, upon a parcel of land belonging to a Spanish lady and to other Portuguese ladies, a parcel of land upon which there was installed the religious association called "Associação do Santíssimo Coração de Jesus" of which she was a member and which was authorized in Portugal by decree of October 18, 1901;

Whereas, many personal objects, indicated in the inventory annexed to the case of the claimant and estimated in this inventory to have a value of 25,361 escudos 90, or frs. 121,805, were located upon this parcel of land;

Whereas, the Government of the Portuguese Republic seized at the time of the revolution of October 3-5, 1910, the aforementioned parcel of land with the objects located thereon;

Whereas, the claimant declares that these objects belong to her and should be restored to her;

Whereas, the Portuguese Government makes the statement that the claimant has not proved her nationality because she has not furnished her birth certificate, but that it consents not to avail itself of this plea because the claimant has produced a certificate of the consulate of Spain considered as sufficient;

Whereas, since the parties do not contest the nationality of the claimant, the Tribunal is justified in considering her as a Spaniard;

Whereas, on the other hand, the claimant does not prove in any way that the objects claimed belong to her; whereas, the fact alleged by her that the claimed objects and a register in which they were found were located, at the time of the occupation by the Portuguese Government, in the house in which she dwelled, does not prove that these objects were the private property of the claimant, because, according to the case, a religious association had been installed upon the property inhabited by her, an association which necessarily was formed of a number of persons, and because a simple register does not and can not indicate which of the inhabitants of the house is the proprietor of the personal property located therein;

For these reasons, the Arbitral Tribunal decides that the Government of the Portuguese Republic is not bound to restore to the legation of Spain at Lisbon the objects indicated in the inventory annexed to the case, or their value, with a view to their restoration to the claimant.

THE TRIBUNAL,

In view of the claim presented by the Spanish Government in favor of M. Antonio Rodriguez Sobrino and the papers in support thereof;

In view of the counter-case presented by the Portuguese Government on the subject of the said claim and the papers in support;

Whereas, with regard to the facts which have given rise to the difference submitted to the arbitration of the Tribunal:

The Spanish Government requests of the Tribunal, in favor of Antonio Rodriguez Sobrino, a Spanish citizen, the restitution of his joiner's tools, as well as articles of clothing and footwear which were located before October 5, 1910, at the home of his compatriots, the Spanish priests of Travessa das Mercês, No. 72, at Lisbon, where he was employed as a joiner; whereas, in default of this restitution, the claimant requests the value of his tools to the amount of 60 escudos, and for his clothes and footwear, the sum of 10 escudos; he finally claims the sum of 328 escudos 50 as compensation due for enforced cessation of work for one year, owing to the loss of his tools, the said indemnity calculated at the rate of escudos O \$ 90 per day, which this workman received for his work;

Whereas, the Portuguese Government makes the objection in the first place that the claimant does not furnish proof of his nationality;

Whereas, the Spanish Government has had knowledge of this exception through the counter-case of the Portuguese Government and has not drawn up any statement;

Whereas, the claimant, who alleges that he is a Spaniard, does not, in fact, furnish any proof of his nationality;

Whereas, the Tribunal is charged, by virtue of Article 1 of the *compromis*, to render judgment upon claims relative to the property of nationals of Spain, France and Great Britain, but whereas, the claimant does not prove, in the manner prescribed by the Spanish Civil Code and the Portuguese Civil Code, that he belongs to one of the aforementioned nationalities;

For these reasons, the Arbitral Tribunal declares the claim of the Spanish Government in favor of M. Antonio Rodriguez Sobrino to be inadmissible.

THE TRIBUNAL,

In view of the claim presented by the Spanish Government in favor of Dona Magdalena Rodriguez y Laplana and the papers in support of this claim;

In view of the counter-case presented by the Portuguese Government on the subject of the said claim and the papers in support;

Whereas, with regard to the facts which have given rise to the difference submitted to the arbitration of the Tribunal:

The Spanish Government claims in favor of Dona Magdalena Rodriguez y Laplana, co-proprietor jointly with six Portuguese ladies, of a parcel of property situate at Lisbon, Rua Nova des Olivais, called Quinta de Candieiro, purchased by them at a price of 10,000,000 reis (10,000 escudos, or about frs. 50,000), according to an authentic document drawn up on October 21, 1899, and entered in Book No. 125 of the notary Carlo Augusto Scola at Lisbon, a parcel of property estimated in the memoir at a value of 15,000 escudos or about frs. 75,000;

Whereas, one of these co-proprietors died on March 1, 1909, after having appointed as heirs the six other co-proprietors in such a way that at the present time the six ladies, still living, are co-proprietors of the aforementioned parcel of land;

Whereas, the claimant alleges that she is a subject of His Majesty the King of Spain, and furnishes a certificate issued by the Consul-General of Spain in Portugal, in order to prove her nationality;

Whereas, the Portuguese Government denies that the claimant has established her nationality by the said certificate and claims that the Tribunal is not competent to render judgment in this case; whereas, the Portuguese Government, moreover, declares that since the claimant is a co-proprietor, she is not entitled alone to enter a claim for the complete or partial restitution of the said property; and, finally, whereas, the claimant is only a fictitious proprietor of one-sixth of the property, the religious congregation Associação de Santíssimo Caracão de Jesu being actually and alone the proprietor of the property;

Whereas, according to Article 327 of the Spanish Civil Code "the minutes of the register of the civil state shall furnish the proof of the civil state, which shall not be replaced by any others unless it does not exist, or unless the books of registry have disappeared, or in case a dispute has been raised before the Tribunal"; whereas, the claimant has not furnished any other proof besides the aforementioned consular certificate, without alleging that she finds herself confronted by one of the exceptional cases of the aforementioned Article 327 of the Spanish Civil Code; whereas, her nationality has, therefore, not been established;

Whereas, the Spanish Government has had knowledge of the exception of incompetence maintained by the Portuguese Government and has not drawn up any statement;

Whereas, the claimant has not furnished the proof of Spanish nationality as it is prescribed by Articles 327 of the Spanish Civil Code and 2441 of the Portuguese Civil Code;

Whereas, the Tribunal is charged, by virtue of Article 1 of the *compromis*, to render judgment upon claims relative to the property of nationals of Spain, France and Great Britain, but whereas, the claimant does not prove, in the manner prescribed by the Spanish Civil Code and the Portuguese Civil Code, that she belongs to one of the aforementioned nationalities;

For these reasons, the Arbitral Tribunal declares the claim of the Spanish Government in favor of Dona Magdalena Rodriguez y Laplana to be inadmissible.

THE TRIBUNAL,

In view of the claim presented by the Spanish Government in favor of M. Robustiano Rodriguez y Sobrino and the papers in support of this claim;

In view of the counter-case presented by the Portuguese Government on the subject of the said claim and the papers in support;

Whereas, with regard to the facts which have given rise to the difference submitted to the arbitration of the Tribunal:

The Spanish Government requests the Tribunal, in favor of Robustiano Rodriguez y Sobrino, a Spanish citizen, to cause to be restored to him certain tools and other articles necessary to his profession as painter, which, before October 5, 1910, were located at the home of his compatriots, the Spanish priests of Travessa das Mercês, No. 72, at Lisbon, where he was employed; that in default of this restitution the value of the said objects be paid to him, that is 40 escudos; that, moreover, there be granted to him the sum of 292 escudos as compensation for enforced cessation of work for one year owing to the loss of his tools, the said indemnity calculated at the rate of 0.80 per day, which this workman received for his work, with interest at 5 per cent. upon the sums, computed from a period of three months after the rendering of the decision which is to be pronounced;

Whereas, the Portuguese Government makes the objection in the first place that the claimant does not furnish proof of his nationality;

Whereas, the Spanish Government has had knowledge of this exception through the counter-case of the Portuguese Government and has not drawn up any statement;

Whereas, the claimant, who alleges that he is a Spaniard, does not, in fact, furnish any proof of his nationality;

Whereas, the Tribunal is charged, by virtue of Article 1 of the *compromis*, to render judgment upon claims relative to the property of nationals of Spain, France and Great Britain, but whereas, the claimant does not prove, in the manner prescribed by the Spanish Civil Code and the Portuguese Civil Code, that he belongs to one of the aforementioned nationalities;

For these reasons, the Arbitral Tribunal declares the claim of the Spanish Government in favor of M. Robustiano Rodriguez y Sobrino to be inadmissible.

THE TRIBUNAL,

In view of the claim presented by the Spanish Government in favor of Fathers Leocadio Ruiz and Crescencio Marquez and the papers in support thereof:

In view of the counter-case presented by the Portuguese Government on the subject of the said claim and the papers in support:

Whereas, with regard to the facts which have given rise to the difference submitted to the arbitration of the Tribunal:

The claimants, alleging that they are Spaniards, chaplains of the Legation of Spain, occupied at the time of the revolution of October 3-5, 1910, the parcel of property at Travessa das Mercês, No. 72, and the adjoining church at Lisbon; whereas, their church and their house were invaded by the crowd and the revolutionary troops, who carried on a veritable pillage therein; whereas, after the revolution the Portuguese Government took possession of the house of the claimants and has not returned to them either their property or the value thereof; whereas, consequently, they claim the restitution of the said personal property or its value, the traveling expenses of the claimants and of two domestic servants attached to them at the time of their expulsion from Portugal, and 1,350 pesetas representing the cost of the repairs to be made in the church

and in the house, which they occupied at the time of their expulsion from Portugal;

Whereas, the Portuguese Government makes the objection in the first place that the claimants, who allege that they are Spaniards, do not furnish proof of their nationality;

Whereas, the Spanish Government has had knowledge of this exception through the Portuguese counter-case and has not drawn up any statement;

Whereas, the claimants have not, in fact, furnished any proof of their nationality;

Whereas, the Tribunal is charged, by virtue of Article 1 of the *compromis*, to render judgment upon claims relative to the property of nationals of Spain, France and Great Britain, but whereas, the claimants do not prove, in the manner prescribed by the Spanish Civil Code and the Portuguese Civil Code, that they belong to one of the aforementioned nationalities;

For these reasons, the Arbitral Tribunal declares the claim of the Spanish Government in favor of Fathers Leocadio Ruiz and Crescencio Marquez to be inadmissible.

THE TRIBUNAL,

In view of the claim presented by the Spanish Government in favor of M. Luis Uzarraga and the papers in support thereof;

In view of the counter-case presented by the Portuguese Government, on the subject of the said claim and the papers in support;

Whereas, with regard to the facts which have given rise to the difference submitted to the arbitration of the Tribunal:

The Spanish Government requests of the Tribunal in favor of M. Luis Uzarraga, a Spanish citizen:

1. The restitution of certain personal property belonging to him, as well as to his wife, objects which he had deposited at the house of the Spanish priests residing at Travessa das Mercês, No. 72, at Lisbon, where he resided while he was waiting to find work in his profession as an electrician;

2. The allocation of a sum of 130 escudos as compensation for damages due to enforced cessation of work, as well as for the loss of his professional tools;

Whereas, the Portuguese Government makes the objection in the first place that the claimant does not furnish proof of his alleged Spanish nationality;

Whereas, the Spanish Government has had knowledge of this exception through the Portuguese counter-case and has not drawn up any statement;

Whereas, the claimant, who alleges that he is a Spaniard, does not, in fact, furnish any proof of his nationality;

Whereas, the Tribunal is charged, by virtue of Article 1 of the *compromis*, to render judgment upon the claims relative to the property of nationals of Spain, France and Great Britain, but whereas, the claimant does not prove, in the manner prescribed by the Spanish Civil Code, and the Portuguese Civil Code, that he belongs to one of the aforementioned nationalities;

For these reasons, the Arbitral Tribunal declares the claim of the Spanish Government in favor of M. Luis Uzarraga to be inadmissible.

AGREEMENT BETWEEN FRANCE, GREAT BRITAIN, SPAIN AND
PORTUGAL FOR THE ARBITRATION OF CLAIMS RELATING
TO RELIGIOUS PROPERTIES¹

Signed at Lisbon, July 31, 1913

The Government of the French Republic, the Government of His Britannic Majesty and the Government of His Majesty the King of Spain, on the one part, and the Government of the Portuguese Republic, on the other, all signatories of the Hague Convention of October 18, 1907, for the Peaceful Settlement of International Disputes,

Having reached an agreement to submit to an arbitration tribunal, constituted according to the summary procedure set forth in Chapter IV of the aforesaid convention, claims relating to the properties of the French, British and Spanish nationals, expropriated (*saisis, arrolados*) by the Government of the Portuguese Republic after the proclamation of the Republic;

The undersigned, duly authorized for that purpose, have reached the following agreement:

ARTICLE 1

The arbitral tribunal, composed as hereinafter provided, is charged with passing upon the claims relative to the properties of French, British and Spanish nationals expropriated by the Government of the Portuguese Republic after the proclamation of the Republic and which are enumerated in the lists appended to the present agreement.

ARTICLE 2

The tribunal shall be composed of the three following arbitrators, whom the four governments choose by common agreement: Honorable Elihu Root, Jonkheer Savornin Lohman, and Mr. Lardy.

ARTICLE 3

The tribunal shall examine and decide the aforesaid claims in accordance with the conventional rights applicable thereto, or, that failing, according to the general provisions and principles of law and equity.

ARTICLE 4

The tribunal shall examine successively each of the claims in the alphabetical order of the parties in interest, the claimant government having the privilege of presenting, as a single claim, the several claims affecting a single interested party.

Each claim shall be the subject of a separate award.

¹ Translation reprinted from *Supplement to the American Journal of International Law*, vol. 8 (1914), p. 165. For the official French text, see *Compromis, protocoles des séances et sentences du tribunal d'arbitrage*, etc., p. 5.

ARTICLE 5

As to each of the claims, the procedure shall be confined to the presentation of a case (*mémoire*), by the claimant government, within four months from the date of the present agreement, and a counter-case, to be presented by the Government of the Portuguese Republic within the period of six months dating from the deposit of the case.

If the claimant government shall deem it advisable, it may present a written rejoinder at least three weeks before the first meeting of the tribunal, and the Government of the Portuguese Republic shall have the right within such period of three weeks, and up to the date of the aforesaid meeting, to answer by a counter-reply.

The tribunal may, if it shall deem it necessary, ask either of the agents to furnish it with oral or written explanations, to which the agent of the opposite party shall have the right to reply.

ARTICLE 6

The case and counter-case, and, if there be any, the replies and counter-replies shall be deposited upon the dates respectively indicated with the Bureau of the Permanent Court of Arbitration at The Hague in 32 copies, with duly certified copies of all documents and papers adduced in support of the claim.

The Bureau shall undertake, without delay, to transmit to the arbitrators and to the parties interested, to wit, three copies for each arbitrator, twenty copies for the opposing party, and three copies to be retained in the archives of the Bureau.

ARTICLE 7

French is the language of the tribunal.

Papers and documents in any other language shall not be produced (except by authorization or special permission accorded by the tribunal) unless accompanied by a French translation duly certified.

ARTICLE 8

The Government of the Portuguese Republic shall designate from one to three agents to represent it before the tribunal.

The Governments of the French Republic, of His Britannic Majesty and of His Majesty the King of Spain shall each designate an agent constituting a common delegation charged with representing them before the tribunal.

The three governments shall however, if they deem it preferable, be represented only by one and the same agent. The agents may be assisted by counsel.

ARTICLE 9

The tribunal is competent to determine the condition under which its awards shall be executed.

ARTICLE 10

The tribunal shall meet at The Hague upon the call of its president six weeks after the deposit of the counter-case, as indicated in Article 5.

Each decision shall be rendered with the least possible delay, and, at the latest, within fifteen days following the taking of the claim under deliberation.

ARTICLE 11

The honorarium of the members of the tribunal shall be fixed at the rate of 1,200 francs per week, traveling expenses and resident expenses included; it being understood that four weeks shall be allowed in view of the necessary study of the case and counter-case before the meeting of the tribunal. The honorarium pertaining to these four weeks shall be paid to the arbitrators the day of the first meeting of the tribunal.

Each of the parties shall pay over to the Bureau of the Permanent Court of Arbitration at The Hague, at the time of presenting his case, and by way of provisional deposit, the sum of 3,000 florins (Dutch).

ARTICLE 12

The provisions of the Convention of The Hague of October 18, 1907, for the Peaceful Settlement of International Disputes shall be applicable to the present arbitration, so far as relates to anything not anticipated in the present agreement.

Done in quadruplicate, at Lisbon, July 31, 1913.

DAESCHNER
A. HARDINGE

MACIEIRA
VILLASINDA

